

## Madden Named TABC Commissioner

**G**overnor Bush recently announced the appointment of Gail Madden of Dallas to the Texas Alcoholic Beverage Commission to serve a term from April 14, 2000 to November 15, 2005.

Madden is co-founder of Community Connection, a consulting firm providing full-service counsel to corporations and non-profits, created in 1991, after she and a colleague saw a need for funding among non-profit organizations. Since then, they have expanded their services to include event planning for corporations such as Legend Airlines, whose grand opening they recently planned and implemented in Legend's airport terminal in Dallas. Prior to Community



Commissioner Gail Madden

Connection, Madden served as director of development at the Dallas Historical Society for one and a half years.

As new commissioner, Madden stated that she hopes to bring a new perspective to the TABC from her involve-

ment with such agencies as Dallas Challenge, a drug and alcohol abuse intervention and prevention agency for youth, where she serves on the advisory board. Also, Madden stated, "I'm excited about the prospect of working on policy issues. I think that is the main role of a

commissioner and one of the most effective ways to make a difference."

Madden also serves as a member of the YMCA of Metropolitan Dallas Executive Committee; the Leadership Dallas Alumni; Charter 100, a national organization which identifies and honors women who are professional and civic leaders; and serves on the steering committee for the opening of the Meadows Museum of Art in 2001. She is a graduate of Southern Methodist University.

Commissioner Madden's husband, Bill Madden, is chairman of the Texas Water Development Board. The two live in Dallas near their children, Leslie, Rodney and his wife, Aimee. ♦

## Safe Prom/Safe Graduation 2000

**T**he first prom and graduation season of the new millennium has come to an end, as has the TABC's Safe Prom/Safe Graduation campaign for the year 2000. Initiated in 1998, Safe Prom/Safe Graduation is an annual program in which TABC enforcement agents visit high school campuses across the state during the April-May prom and graduation season, to work with educators, students, and parents on

ensuring safe and alcohol-free celebrations. This year, TABC agents monitored 644 Texas high school proms, graduations, and post-event parties, and made 158 alcohol-related arrests during the course of the effort.

Enforcement Chief Greg Hamilton

summed up the program's important mission: "Proms and graduations should be times of celebration, not sorrow. By keeping such events safe and alcohol-free, we can ensure that our young people live to remember the joy and excitement of having reached these milestones.

That's what Safe Prom/Safe Graduation is all about." ♦

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*"Proms and graduations should be times of celebration, not sorrow."*

# Texas Hosts National Meeting of Alcoholic Beverage Regulators

The City of Dallas played host to the annual meeting of the National Conference of State Liquor Administrators (NCSLA) in June this year. The NCSLA is comprised of the agencies responsible for alcoholic beverage regulation in the states and territories of the United States.

Some of the major topics of discussion at this year's meeting were the recent FTC report to Congress on the self-regulation of advertising in the alcohol industry; e-commerce and the beverage alcohol industry; franchise agreements in the states at the wholesale tier; involvement of consumer interests in regulatory decisions aimed at Internet sales; as well as panels made up of industry and state leaders discussing trends and problems around the country.

The NCSLA adopted a resolution recommending that the industry implement the FTC recommendations for self-regulation of advertising, as well as a resolution asking the industry to continue working on

consolidation of their separate advertising guidelines.

The discussion and debate on Internet sales was an interesting confrontation with representatives from e-commerce as well as regulators on the panel. The discussion focused on the need for this new form of commerce to find ways to function in a regulated environment, change the law in various state legislatures, or

challenge the statutory construction in the courts. The panel also pointed out that ignoring the current regulatory process would be a step in the wrong

direction and a sure way to cause administrative penalties against license and permit holders in any of the current three tiers of the industry.

TABC Executive Assistant Cheryl Lyle, who served as one of the conference coordinators, reported that over three hundred participants registered and attended the conference and that all the sessions were well attended. For more information on the National Conference of State Liquor Administrators, see their Web site at [www.ncsla.org](http://www.ncsla.org). ♦



Diana Yarbrough, Assistant Administrator Randy Yarbrough, Chairman Allan Shivers, Jr., Administrator Doyne Bailey

## Administrator's Corner



"We're sure going to miss him; he does so much," was the word around the office when Rolando Garza, former director of resource management for the TABC, made the decision to take a new position at the Health Department. "Not only that, he makes it all look so easy!" said other admirers.

You can say that again. Rolando's job description required that he manage the information resources, general services, human resources and fiscal services departments of the agency. He did all of that *and* maintained the employee of the year

recognition, Bert Ford Commendation presentations, agency Health and Safety Committee, Dessert Delight Celebration for headquarters support staff, public information officer duties including the external and internal newsletters, and more.

Indeed, Rolando Garza accomplished a multitude and variety of tasks during his almost eight years with the TABC. We all respect his work ethic, skill and talent, but, what we are really going to miss is his encouragement, creativity, wit and enthusiasm. Congratulations and good luck, Rolando!

A fond farewell also goes to Martha Dickie, who served as a member of the commission from 1994 until her term ended on April 14, 2000. As a successful trial attorney, Ms. Dickie brought considerable

expertise to the commission. Her leadership in encouraging TABC's role as a responsive public service agency will pay dividends for years to come.

Whether her appearance was at a press conference, budget hearing or monthly meeting, Ms. Dickie always projected a strong, independent and even-handed image of service to her state. On behalf of the employees of the TABC and the citizens of Texas, we thank her for many years of service and dedication.

Gail Madden of Dallas was appointed by Governor Bush to replace Ms. Dickie. Her first commission meeting was on April 24, 2000. Please see the article introducing Ms. Madden on page 1 of this newsletter for more information. ♦

*Doyne Bailey*

# Strategic Plan Update

The latest version of the TABC's Strategic Plan – fiscal years 2001-2005 – was submitted to the Legislative Budget Board and the Governor's Office on June 1, 2000.

The plan stressed that the agency has continued to accomplish “more with less” over the past four years, but that it is fast approaching a limit to what current resources will allow.

Among current year accomplishments highlighted were:

- Two Youth Power Camps sponsored by the TABC in conjunction with MADD and the Department of Public Safety that focused on accountability regarding youth access to alcohol, cigarettes and other drugs, as well as youth making positive changes in their communities.

- The distribution of over 1,500 minor sting training videos to local law enforcement departments.

- The addition of Shattered Dreams, a state-wide program that stages mock crashes caused by underage drunk drivers.

- Grant monies allowing for more minor stings per month, further funding for the COPS program, and the placement of 250 billboards across the state with the hotline to report underage drinking violations.

- The completion of a major review of rule amendments to the seller-server training program allowing it to

enhance the knowledge of the server, improve quality of training and provide penalties for those who violate the law.

- An expansion of the ports of entry sections along the border regions of the state.

Limitations imposed by initiatives such as these have created a greater demand on agency staff. In addition, a staff shortage has been caused by the difficulty in attracting qualified applicants at the state's current salary levels.

Other resource limitations included the need for more and improved equipment, as well as radio tower space across the state and replacement buildings for some ports of entry.

increase from 1998, and females constitute 35% compared to 36% in 1998.

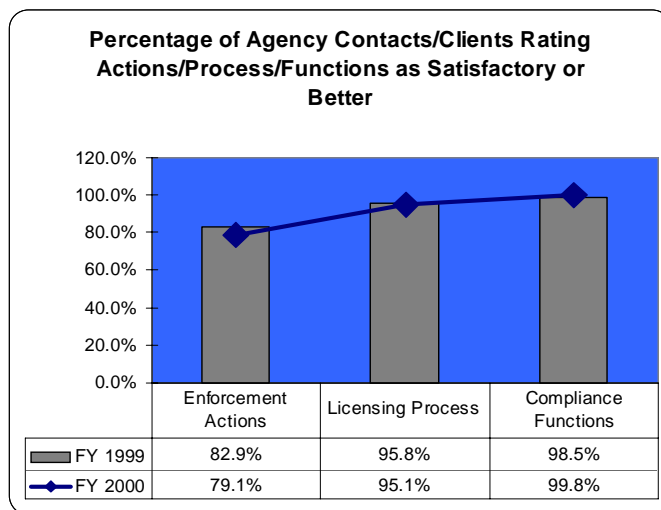
The importance of the agency's involvement with e-government was emphasized in relation to the Department of Information Resources' establishment of a task force to assess the feasibility of conducting government transactions via the Internet. Applications of interest mentioned included marketing practices label approvals, excise tax filings, seller/server training certificates and credit law.

An analysis of customer satisfaction identified three primary groups as “customers” including the

general public, members of the alcoholic beverage industry and local government/agencies/public officials. See survey results in chart at left.

The Compact With Texans will continue to enhance customer service orientation as the agency expands its survey and seeks ways of reaching

out to the people served; however, the agency's efforts to educate the public, the industry and young people will be challenged as the limitations imposed by a growing population, a scarcity of staff and other resources are faced. ♦



The plan also discussed organizational aspects including changes in work force size and composition noting that overall, minorities constitute approximately 43 % of the commission's work force which is a three percent

## Report to Customers

As the summer comes to a close, the TABC continues to review and develop ways to improve the agency's customer service. Highlights from this spring included the creation and deployment of our Compact With Texans, the results from our Customer Satisfaction Survey, and the identification of key improvement areas.

Over the past few months, the agency has more fully developed a vision for customer services. This vision embodies standards of timeliness of service, accuracy, completeness, consistency, and quality. Drawing from the best practices in the service industry, the vision has been shaped not only with specific standards, but also with methodologies and measures to verify that these standards are being met.

The agency has continued to

work on its Web site with the goal of providing knowledge on the agency's practices, policies, services, and various licenses and permits, thus enabling our customers the ability to find accurate and complete answers.

The TABC will continue to analyze how to improve routine public services using feedback from our surveys, e-mails, complaints and employees. ♦



## should you chance it?

**D**uring their meeting on July 24, 2000, the Alcoholic Beverage Commission adopted amendments to rule §45.106 governing sweepstakes and games of chance.

Sections 102.07(e) and 108.061 of the Alcoholic Beverage Code allow members of the manufacturing tier of the beer and liquor industries to offer prizes directly to consumers if the offer is made in connection with a nationally conducted sweepstakes that is simultaneously offered in thirty or more states. Consumers may not be charged purchase or entry fees to participate in the promotion, and prizes may not be awarded to persons affiliated with the alcoholic beverage industry.

Paragraph (b) of rule §45.106 has been amended to define the statutory word "sweepstakes" to include the prizes awarded by random chance or "on the basis of some knowledge or skill demonstrated by the sweepstakes participant." Paragraph (j) was added to the rule to mandate that contest style sweepstakes, "may not be held or conducted on the licensed premises of a retailer or private club."

This last provision was adopted in recognition of the fact that events on retail premises sponsored or promoted by members of the manufacturing and wholesale tiers constitute provision of value or service to the retailer contrary to the proscriptions of sections 102.07(a)(2) and 102.15(1) of the Alcoholic Beverage Code. Manufacturing and wholesale tier members may however sponsor events at public entertainment facilities consistently with the provisions of rule §45.100.

Also during the meeting, the commissioners authorized publication in the *Texas Register* of proposed amendments to rule §45.103 governing the happy hour promotions. The staff is currently collecting and considering comments and advice on ways in which this rule can be improved. Please send comments to Lou Bright, General Counsel, P.O. Box 13127, Austin, Texas 78711; fax: (512) 206-3350 or email address: l.bright@tabc.state.tx.us. ♦

## KNOW YOUR LIMITS

**T**he Texas Department of Public Safety is currently formulating an administrative rule concerning the use of devices that scan the magnetic strips found on the back of Texas Driver Licenses and ID Cards.

House Bill 571 passed in the 76<sup>th</sup> Legislative Session, limits the information that can be included on a driver license or an identification card in an electronically readable format to the information printed on the license and a physical description of the licensee. The Department of Public Safety is required to take necessary steps to ensure the information is used for law enforcement and governmental purposes only. The bill also establishes a class A misdemeanor for unauthorized use of the information.

DPS recently proposed administrative rule, Title 37 TAC Section 15.47, which limits the use of information on these magnetic strips to law enforcement or governmental personnel only. The proposed rule was published in the July 28, 2000 edition of the *Texas Register* and DPS is currently accepting and reviewing comments. The purpose of the rule is to clarify the existing statute so that uniform enforcement of the statute will take place throughout the state.

Any additional questions regarding the bill or the pending rule can be addressed to Rebecca Blewett with DPS at (512) 424-5231. ♦

## Licensed to Protect

**T**he TABC has partnered with the Texas Commission on Private Security to provide information concerning changes in the Private Security Act.

Prior to September 1, 1999, a private business (bar or restaurant) was not required to license and register its own security officers unless they were commissioned (authorized to carry firearms). Now any private business that employs security officers to protect their own property has two options: they may either obtain a private business letter of authority or a guard company license.

The licensing department is mailing, along with the license/permit, a letter from the Texas Commission on Private Security explaining the law change. For additional information, questions, or applications, contact Larry Shimek with TCPS at (512) 463-5545 or [www.tbpi.org](http://www.tbpi.org). ♦

## Shattered Dreams Promotionals

**T**he TABC has a supply of t-shirts and banners from the DEAD/Shattered Dreams program for use in the upcoming school year on a first come, first served basis. The banners may be loaned to schools for display before and during the program to make students and the local community aware of the program being presented.

The shirts and banners are supplied under a grant from The Texas Department of Transportation (TxDOT). Although the grant will come to an end on September 30, 2000, the TABC will continue to provide the materials until the supply is exhausted.

If you know of a school in your area that is participating in the DEAD/Shattered Dreams program that could use these promotional materials, have them contact their local district TABC office for assistance. They may also contact Gloria Villaseñor at (512) 206-3430. ♦

# Get to Know Your Customers

**N**ow more than ever, employees need to be extremely conscious of who their customers are. Recent amendments to Chapter 50, Alcohol Awareness and Education, will soon be enforcing new corrective measures and requirements of employees who are caught selling or serving alcohol to a minor or intoxicated person.

Under Section 50.9, a certification indicating completion of seller/server training may be revoked if:

- A certified employee has committed an offense of sale or service of alcoholic beverages to a minor or intoxicated person and has not been re-certified within 30 days.

- Within 12 months, a certified employee has again sold or served alcoholic beverages to a minor or intoxicated person. The employee may not be re-certified for 90 days.

- Within 12 months, the certified employee committed a 3rd offense of sale or service of alcoholic beverages to a minor or intoxicated person.

- The employee provided false identification.

- The employee did not successfully complete a seller training program.

Section 50.10 states that in order for retailers to obtain exemption from administrative action, they will be required to have written policies and procedures to prevent the sale or service of alcoholic beverages to minors and intoxicated persons.

Under this section, the commission shall require each licensee/permittee who claims exemption of administrative action under the Texas Alcoholic Beverage Code, Section 106.14 to produce evidence by affidavit indicating that the licensee/permittee met the three criteria outlined in §106.14(a) of the Alcoholic Beverage Code.

The licensee/permittee shall not meet the requirement of its employees attending a commission approved seller-server training program unless employees are required to attend such a program within 30 days of their initial employment, and each employee's certification has not expired, been suspended or revoked. However, if a violation of sale to a minor or intoxicated person is committed by the new employee within the 30-day period and the employee has not been trained, the administrative case will not be restrained. The administrator or his/her designee may relax these

requirements in individual cases for good cause shown by the licensee/permittee claiming exemption. It is important to note that under Section 50.2, "employee" (seller/server) now includes persons who immediately manage, direct, supervise or control the sale and service of alcoholic beverages.

Proof by the commission that an employee or agent of a licensee/permittee sold, delivered or served alcoholic beverages to a minor or intoxicated person, or allowed consumption of same by a minor or intoxicated person, more than twice within a 12-month period, shall constitute prima facie evidence that the licensee/permittee has directly or indirectly encouraged violation of the relevant laws.

Mandatory participation in server training for violators was also approved under Section 50.11. In this case, if the licensee/permittee has violated a provision of the code or rules relating to the sale, service, dispensing or delivery of alcoholic beverages to a minor or intoxicated person more than once in a 12-month period; or, has engaged in conduct encouraging violations of law within the meaning of §106.14(a)(3) of the Alcoholic Beverage Code, then the licensee/permittee will be required to participate in server training for its employees until 24 months elapse without a violation in reference to minors or intoxicated persons. ♦

## Changes Approved for Seller Server Training

**T**he amendments to Chapter 50, Alcohol Awareness and Education, concerning seller training schools are detailed in the June, 2000 TABC Seller Training School's newsletter, *Training Together*. Changes relating to new trainee certificates, program/curriculum modifications, and administration are also detailed in the newsletter. If your school did not receive a copy, please contact the Seller Training Section at (512) 206-3420. ♦

## New Seller Training Certificates to be Issued

**B**eginning September 1, 2000, seller training schools will be issuing a new type of certificate to trainees who have successfully completed their class.

The new certificates are light blue in color and include a red certificate number. All information must be entered on the form or it will be considered void. Duplicate certificates will be in the form of our current certificate cards signed by Administrator Doyne Bailey.

The new rule will be located on the TABC Web site effective September 1, 2000, at [www.tabc.state.tx.us](http://www.tabc.state.tx.us). ♦

## You Asked . . . questions about alcoholic beverage regulations

*Are there any regulations on the advertisement of alcohol on billboards?*

Billboard advertising may include brand (logo) advertising for alcoholic beverages. There are no limitations on the size of the board or the letters on the board. However, billboard advertising of alcoholic beverages may not be placed in a "dry" area, or within 200 feet of a retail outlet authorized to sell the advertised product unless prior approval is received from the TABC.

*May a minor enter the premises where a license or permit is issued?*

Generally, yes, if the minor does not possess or consume an alcoholic beverage. However, a minor may not enter the premises of a package store unless accompanied by an adult parent, spouse or guardian. Also, a licensee or permittee may have a "house rule" that minors may not enter their licensed premise.

## Millennium Update

The millennium yearbook committee is hard at work gathering information, materials, and photos that will attempt to capture the rich history, traditions and accomplishments of our agency and the evolution of the alcoholic beverage industry in Texas. Although we have collected a high volume of photos and news stories thus far, we ask everyone to continue to check their attics, shoe boxes and photo albums for any information

that would add to the success of this project. It is important to remember that the publication will reflect the history of the TABC, as well as the entire alcoholic beverage industry.

The cost of the final product will be approximately \$50. If you are interested in submitting information or would like to reserve a copy, please contact Claire Myers at (512) 206-3347; email: c.myers@tabc.state.tx.us.

Allan Shivers, Jr., Chairman  
John T. Steen, Jr., Commissioner  
Gail Madden, Commissioner  
Doyle Bailey, Administrator

The *TABC Today* is an external publication of the Texas Alcoholic Beverage Commission. We welcome comments, suggestions and/or questions from our readers. To report a possible violation of the Alcoholic Beverage Code, call toll-free 1-888-THE-TABC (Voice/TDD).

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